

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE

SHELLY JONES and  
WARREN GREGORY JONES,

**ORDER**

No. 23-CV-8281 (CS)

Appellants.  
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Seibel, J.

Federal Rule of Bankruptcy Procedure 8009(a) provides that an

appellant must file with the bankruptcy clerk and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented . . . within 14 days after: (i) the appellant’s notice of appeal as of right becomes effective under Rule 8002; or (ii) an order granting leave to appeal is entered.

Fed. R. Bankr. P. 8009(a). *Pro se* Appellants’ notice of appeal was docketed by the Bankruptcy Court on August 29, 2023, (*see* Bankr. S.D.N.Y. Case No. 23-35477, ECF No. 23), which meant that Appellants’ designation of the items to be included in the record on appeal and statement of the issues to be presented should have been filed with the bankruptcy clerk and served on the respective Appellee(s) by September 12, 2023.<sup>1</sup> Appellants, however, did not file their designation and statement by that date.

Accordingly, Appellants are ordered to file and serve their designation and statement as required by Rule 8009(a), or withdraw this appeal, by June 4, 2024. If Appellants fail to do either, the instant appeal may be dismissed for failure to prosecute. *See O’Grady v. Motors Liquidation Co. Avoidance Action Tr.*, No. 19-CV-6668, 2020 WL 2765695, at \*2 (S.D.N.Y.

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<sup>1</sup> In their civil cover sheet filed on this Court’s docket, (ECF No. 2), Appellants identified the “United States Bankruptcy Court Southern District of New York” as the defendant. The Bankruptcy Court is not an appellee, and Appellants should identify the appropriate Appellee(s) if they choose to continue this appeal.

May 28, 2020) (“A district court has the power to dismiss a bankruptcy appeal for failure to prosecute *sua sponte*.”) (collecting cases).<sup>2</sup>

**SO ORDERED.**

Dated: May 21, 2024  
White Plains, New York

A handwritten signature in black ink, reading "Cathy Seibel". The signature is written in a cursive, flowing style.

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CATHY SEIBEL, U.S.D.J.

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<sup>2</sup> The Court will send Appellants a copy of this unreported decision.